

ACTS AND LAWS,

Passed by the Great and General Court
or Assembly of Their Majesties Pro-
vince of the Massachusets-Bay, in

New-England.

Begun at *Boston* the Eighth Day of *June*, 1692, And Con-
tinued by several Adjournments unto *Wednesday* the Eighth
of *February* following, being the Third Sessions.

*Anno Regni, Gulielmi, et Mariæ, Regis et Regina, Angliæ,
Scotiæ, Franciæ, et Hiberniæ Quarto, et Quinto.*



B O S T O N

Printed by *Benjamin Harris*, Printer to His Excellency,
the Governour and Council, 1693.

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Acts and Laws,

Passed by the Great and General Court or Assembly of Their Majesties Province of the Massachusets-Bay in New-England. &c.

An Act,

For the Explaining and Altering of some Clauses, and Sentences; and the Repealing of some others, contained in several Acts made and passed at the Second Session of this Court in October last, 1692.

BE it Enacted by the Governour, Council, and Representatives in General Court Assembled, And it is Enacted and Declared By the Authority of the Same.

THat whereas in the Act Entituled, An Act, *For the Setting and Distribution of the Estates of Intestates*, amongst other things, Thereby ENACTED and PROVIDED, there is a Saving to the Party agrieved, at any Order, Sentence, or Decree, made for the Settlement and Distribution of any Intestate Estate, their Right of Appeal unto the Governour and Council.

An Explanatory Act

It is now Declared and Enacted.

That such Right of Appeal, shall to all intents and purposes, extend and be taken and construed to extend, as well to any other Order, Sentence, Decree, or Denial, that shall at any time be made and given by the Judge of Probate, referring to the approbation and allowance of any Will, grant of Administration or other matter; Any thing in said Act, to the Contrary notwithstanding.

And further it is Enacted and Declared,

Guardians. That the Judge of Probate in each County respectively, when and so often as there shall be occasion; Be and hereby is Impowred, To allow of Guardians, that shall be chosen by Minors of Fourteen years of Age, and to appoint Guardians for such as shall be within that Age; taking sufficient security of all such Guardians for the faithful Discharge of their Trust, according to Law: and to Accompt either to the Judge or Minor, when such Minor shall arrive at full Age, or at such other Time as the Judge upon complaint to him made shall see cause.

And whereas in one other Act, Entituled, An Act, For Affirming of former Judgments, and Providing for Executions. Amongst other things thereby ENACTED, It is PROVIDED, that Appeals then depending, having not been heard, shall be Heard and Tryed at the First Superiour Court. It is hereby Explained and Declared,

To be understood and intended, and shall be construed to intend, the first Superiour Court to sit within or for that County, where the Action was Originally and First Tryed.

And for further Explanation and an Addition to the Section or Paragraph of said last mentioned Act, wherein Provision is made, That a *Scire Facias* do issue forth upon any Judgment passed in any County Court or Court of Commissioners. It is hereby Declared,

To extend, and shall be construed and taken to extend as well to any Judgment passed in any Court of Assistants, Superiour or inferiour Court at any time whatsoever; where Execution has not been taken out or not levied for satisfying of the same, such Writt of *Scire Facias* to be granted out of the Clerks Office, of the Superiour or Inferiour Court respectively to be held within or for the same County, where such Judgment was given.

And whereas by the President or Form for an Execution, the Officer is Commanded for want of Goods, Chattels or Lands of the Debtor, to be by him shewn or found within the Precinct, to take the Body of such Debtor, and Commit him to Prison.

It

It is hereby Explained, Enacted and Declared by the Authority aforesaid

That where Judgment is granted for Money; or any particular Specie, the Creditor shall not be compelled to take any other Specie; But in every such case, for want thereof, the Officer shall take the Body of the Debter, in Execution; and Imprison him; unless such Creditor shall be content to Receive his Satisfaction in such other Estate as may be tendred or found. And these words, *To the Acceptance of the said A. B.* shall be Supplied and Inserted in the Writ of Execution, to follow next the word *Precinct*.

And be it further Enacted and Declared by the Authority aforesaid.

That as well Original as Judicial Writts Issuing out of the Clerks Office, of the Inferiour Courts of Judicature respectively, shall run into any County within this Province, and be there Executed by the Officer or Officers of such County to whom they are directed.

And be it further Enacted and Declared, That the Clause in the Act, Entituled, *An Act, For the Regulating and Encouragement of Fishery,* That henceforth no Mackeril shall be Caught (except for spending whilst fresh) before the first of July Annually, Be, and hereby is fully Repealed and Made Void: Any thing therein to the contrary notwithstanding.

AND WHEREAS by one other Act, Entituled, *An Act for the Settlement and Support of Ministers and School-masters* amongst other things therein Enacted: *It is Ordained,* That every Minister, being a person of good Conversation, Able, Learned, and Orthodox, that shall be Chosen by the major part of the Inhabitants in any Town, at a Town Meeting duly warned for that purpose; Notice thereof being given to the Inhabitants fifteen days before the time for such Meeting) shall be the Minister of such Town, and the whole Town shall be obliged to pay towards his Settlement and Maintainance; each man his severall proportion thereof. Upon further consideration of the said Section or Paragraph in said Act, and the Impracticableness of the method therein proposed for the Choice of a Minister, in divers Towns, wherein there are more Churches than one, and Inconveniences attending the same not so well before seen. *It is Enacted and Declared,* That the before Recited Section or Paragraph, and all and every the Clauses therein contained, shall from henceforth be Repealed and Revoked, and are hereby Repealed and utterly made void for ever: Any thing in the said Act to the contrary notwithstanding.

And it is further Declared and Ordained, That the Paragraphs and Sections hereafter following, *Be Enacted, and by the Authority aforesaid are Enacted* in Addition to the remaining part of said Act relating to Ministers. *That is to say,* That each Respective Gathered Church in any Town or Place within this Province, that at any time shall be in want of a Minister, such Church shall have power according to the directions given in the Word of God, to Choose their own Minister.

And the major part of such Inhabitants as do there usually attend on the Publick Worship of God, and are by Law duly Qualified for Voting

in Town Affairs, concurring with the Churches Act, the person thus Elected and Approved, accepting thereof, and Settling with them, shall be the Minister, towards whole Settlement and Maintainance, all the Inhabitants and Rateable Estates lying within such Town, or part of a Town, or Place Limited by Law, for upholding the Publick Worship of God, shall be obliged to pay in proportion. Provided, That nothing herein contained is intended or shall be construed to extend to Abridge the Inhabitants of *Boston* of their accustomed way and practice as to the Choice and Maintainance of Their Ministers.

Be it further Enacted, That in such Towns or Places where there is no Church Gathered, the Rateable Inhabitants of such Town or Place, at a Meeting duly warned for that purpose; (Notice thereof being given fifteen days before the time of such Meeting) by the major Vote of such Assembly then and there met, with the Advice of three Neighbouring Ordained Ministers, shall Choose and Call an Orthodox, Learned, and Pious Person, to Dispense the Word of God unto them; to the Settlement and Maintainance of which Minister, all Rateable Estates, and Inhabitants within such Town or place shall be Assessed, and Pay proportionably.

And it is further Enacted by the Authority aforesaid,

That where any Town or Place shall be negligent of their Duty by Law required, respecting the Maintainance of the Ministry, the Court of Quarter Sessions of the Peace within the same County, upon Complaint to them made, are Impowred and Required effectually to provide for Remedy thereof, and by Warrant from said Court, to Convent before them the Select-men, or others specially appointed by the Inhabitants of such Town or place, to take care in that matter; (having accepted such Betrustment) and upon Conviction of Neglect therein, to Impose a Fine upon the Delinquents not exceeding Forty Shillings each person for the first Offence: And upon a second Conviction of such Neglect, to Impose a Fine of Four Pounds upon each person, and the like Sum of Four Pounds for every after Conviction: Such Fines to be Levied by Distress and Sale of the Offenders Goods, (returning the Over-plus if any be) and to be disposed to the Use of the Poor of the same Town or place, by the Select-men, or Overseers of the Poor.

An Act,

For the Reviving and Continuing of the Duties upon Goods, Impost, Excise and Tunnage of Shipping; And the Act for Granting of the same.

WHEREAS at the first Sessions of this Court begun in June last past, by an Act then made, Entituled, An Act For Impost, Excise, and Tonnage of Shipping. There was Granted unto Their Most Excellent MAJESTIES Their Heirs and Successors, to the Ends and Intents in the said Act mentioned, several Duties, Impost, and Excise, on the Wines, Liquors, and Goods therein Enumerated. Which Act was to Continue and Remain in Force for the Term and Space of one whole year and no longer; which said year will expire and be ended upon the Twenty Ninth day of June, One Thousand Six Hundred Ninety and Three. Upon consideration of the Continued and Growing Charges for the Management of the War and Necessary Support of the Government of the Province; and for and towards the Defreying thereof.

It is Enacted and Declared by the Governour, Council, and Representatives in General Court Assembled, and by the Authority of the same,

That the several Duties, Impost, Excise and Tonnage in the said Act mentioned, and in one other Additional Act for Impost and Excise, made at the second Session of this Court: Be, and hereby are continued and further Granted unto Their Majesties, to the Ends & Intent aforesaid, from & after the twenty ninth day of June next coming, unto the twenty ninth day of June, which will be in the Year of our Lord God, One Thousand Six Hundred Ninety, and Four, and no longer: To be Collected and paid in manner as by said Act is directed. And the before-said Act, Entituled, *An Act for Impost, Excise and Tonage of Shipping*; and all and every the Branches, Articles, Clauses and parts thereof, with the Additions thereto, are hereby revivied and continued to abide and remain in full force and virtue unto the aforesaid Twenty Ninth Day of June, One Thousand Six Hundred Ninety and Four, and not afterwards, any thing herein contained to the contrary notwithstanding.

And it is further Enacted and Declared by the Authority aforesaid, That the Governour and Council, Be and hereby are fully Impowred to Assign and make over all the Profits and Revenue arising thereby, as security to such person or persons, who shall advance and pay down any considerable Sum or Sums of Money for a present Supply of the publick Occasi-
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Registering of Births and Deaths

ons, for their being Repaid the same with the Allowance of seven *per Cent per Annum* Interest. Provided there be not an exceeding in the former Grant and this the Sum of Five Thousand Pounds upon the Interest therein Exprest. Saving notwithstanding to all persons that formerly Lent their Bills of Credit for Supply of the Occasions of this Government, their Discounts by a Note from the Treasurer, for all Sums which they shall have to pay by virtue of this Act, being *Bona Fide* for their own Account, according to the Proviso in the Act for making the former Bills of Credit to pass Currant; or by Consignments to be made appear by Bills of Lading; said Discounts to be Reckoned and Out-set in part payment of said Loan.

An Act,

For the Registering of Births and Deaths.

FOr preventing of great uncertainty and inconvenience that may happen, for want of a Particular Register of Births and Deaths.

BE it enacted by the Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same.

THat every Town Clerk within this Province, shall be, and is Hereby Impowred, and Required, to take an account of all Persons, that shall be Born, or shall Dye, within each Town respectively, and the Precincts thereof; & fairly to Register in a Book, their Names & Surnames, as also the Names & Surnames of their Parents, with the time of their Birth & Death. And the Clerk shall demand & Receive the Fee of Three-pence, and no more, for each Birth or Death, by him so Registered; to be paid by the Parents, or others nextly related to, or concerned with the party Born or Dying. And if any shall refuse or neglect to give notice to the Town-Clerk of the Birth or Death of any person that they are so related to, or concerned for; or to pay for Registering as abovesaid; by the space of Thirty Days next after such Birth or Death; every person so refusing or Neglecting, and being (upon the complaint of any Town-Clek) thereof Convicted before a Justice of Peace within the same County, shall forfeit and pay unto such Clerk, the sum of Five Shillings; to be levied by Distress, and Sale of the Offenders Goods by Warrant from such Justice; if payment thereof be not made within four days next after Conviction as aforesaid. And every Town-Clerk shall give forth from the Registry a fair Certificate under his hand of persons Born or Dying in the Town, to any who shall desire the same: & he shall receive Sixpence and no more for every Certificate so given.

F I N I S.